

REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-20 are pending. Claims 3-5 and 8-20 are withdrawn. Claims 1-5, 8-14 and 17-20 are amended. Claims 1, 3, 4, and 5 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Drawings

It is gratefully appreciated that the Examiner has accepted the drawings.

Claim for Priority

It is gratefully appreciated that the Examiner has recognized the Applicants' claim for foreign priority.

Information Disclosure Statement

An Information Disclosure Statement is being filed concurrently to submit a copy of JP 10-512805 which was disclosed in paragraph [0003] of the specification as filed on October 21, 2003.

Restriction Requirement

The Examiner has withdrawn claims 3-5 and 8-20 from consideration as being directed to non-elected Groups II, III, IV, and V. By this amendment, each of independent claims 3, 4, and 5 has been amended to recite combination of elements directed to Group I. In addition, by this amendment, independent claim 11 has been amended to depend from

independent claim 1. Each of independent claims 1, 3, 4, and 5 is directed to the invention of Group I. Assuming independent claims 1, 3, 4, and 5 are found to be in condition for allowance, it is respectfully requested that the Examiner examine and allow all claims depending therefrom.

Rejection Under 35 U.S.C. § 103(a)

Claims 1, 2, 6, and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mochizuki et al. (U.S. 6,142,113) in view of Hoke et al. (U.S. 6,190,627). This rejection is respectfully traversed.

Amendments to Independent Claims 1 and 3

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the present application, independent claim 1 has been amended herein to recite a combination of elements directed to an atmospheric pollutant treatment structure, including *inter alia*

a shroud provided with a pair of upper portion and lower portion cover members connected to each other so as to cover in cooperation with each other the cylinder portion and a part of an engine main body to form a cooling air passage.

In addition, independent claim 3 has been amended herein to recite a combination of elements directed to an atmospheric pollutant treatment structure, including *inter alia*

wherein said cylinder portion and a cylinder head are covered with a shroud, the shroud forming a cooling air passage,

wherein the shroud does not cover a head cover attached to the cylinder head.

Support for the novel combination of elements set forth in each of independent claims 1 and 3 can be seen in FIG. 2.

The Applicants respectfully submit that the combination of elements as set forth in each of independent claim 1 and 3 is not disclosed or made obvious by the prior art of record, including Mochizuki et al. and Hoke et al.

In contrast to the present invention, the Examiner concedes that Mochizuki et al. fail to teach a catalyst layer on the cooling fins. In addition, a careful review of Mochizuki et al. FIG. 1 shows that this document merely discloses an engine case 22, and fails to disclose

“a shroud provided with a pair of upper portion and lower portion cover members connected to each other so as to cover in cooperation with each other the cylinder portion and a part of an engine main body to form a cooling air passage” as set forth in claim 1, or

“wherein said cylinder portion and a cylinder head are covered with a shroud, the shroud forming a cooling air passage, wherein the shroud does not cover a head cover attached to the cylinder head” as set forth in claim 3.

The Examiner relies on Hoke et al. merely to teach a catalyst layer.

At least for the reasons described above, the Applicants respectfully submit that the combination of elements as set forth in each of independent claims 1 and 3 is not disclosed or made obvious by the prior art of record, including Mochizuki et al. and Hoke et al.

Accordingly, reconsideration and withdrawal of this rejection are respectfully requested. Therefore, independent claims 1 and 3 are in condition for allowance.

Amendments to Independent Claims 4 and 5

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the present application, independent claim 4 has been amended herein to recite a combination of elements directed to an atmospheric pollutant treatment structure, including *inter alia*

wherein the cooling fins are provided with a plurality of circular-shaped through holes.

In addition, independent claim 5 has been amended herein to recite a combination of elements directed to an atmospheric pollutant treatment structure, including *inter alia*

wherein edges of the cooling fins are provided with a plurality of cutouts.

Support for the novel combination of elements set forth in each of independent claims 4 and 5 can be seen in FIGS. 8 and 9.

The Applicants respectfully submit that the combination of elements as set forth in each of independent claim 4 and 5 is not disclosed or made obvious by the prior art of record, including Mochizuki et al. and Hoke et al.

In contrast to the present invention, the Examiner concedes that Mochizuki et al. fail to teach a catalyst layer on the cooling fins. In addition, a careful review of Mochizuki et al. FIG. 2 shows that this document merely discloses fins lacking circular through holes or cutouts.

The Examiner relies on Hoke et al. merely to teach a catalyst layer.

At least for the reasons described above, the Applicants respectfully submit that the combination of elements as set forth in each of independent claims 4 and 5 is not disclosed or made obvious by the prior art of record, including Mochizuki et al. and Hoke et al.

Accordingly, reconsideration and withdrawal of this rejection are respectfully requested. Therefore, independent claims 4 and 5 are in condition for allowance.

Dependent Claims

The Examiner will note that dependent claims 2, 8-14 and 17-20 have been amended. All dependent claims are in condition for allowance due to their dependency from allowable independent claims, as well as for the additional novel limitations set forth therein.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) are respectfully requested.

CONCLUSION


Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 208-4030 (Direct Line).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,
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